

**WHY CENTERING THE FAMILY COURT SYSTEM WON'T
DECREASE CRIMINALIZATION OF INTIMATE PARTNER
VIOLENCE—AND WHY THAT'S A PROBLEM**

*Leigh Goodmark**

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*Centering intimate partner violence in family law, as Professor Joan Meier urges in her recent article, *Denial of Family Violence in Court: An Empirical Analysis and Path Forward for Family Law*, could be seen as having the secondary benefit of decentering the criminal legal response to intimate partner violence in the United States. In this Article I urge caution about adopting that view, arguing that the family law system is not, in fact, distinct from the criminal legal system and will not prevent violence. Instead, we should look beyond the legal system to prevent and address intimate partner violence.*

INTRODUCTION

In my 2018 book *Decriminalizing Domestic Violence: A Balanced Policy Approach to Intimate Partner Violence*, I argued that we should see intimate partner violence as something other than a criminal system problem.¹ I posited that we should instead treat intimate partner violence as an economic, a community, a public health, and a human rights issue. In response, several people gave me feedback that intimate partner violence should also be seen as a family problem: much violence occurs in the context of families, and family law has already developed specialized mechanisms for addressing the issue. But for whatever reason (probably burn-out after twenty-five years of practicing family law), I resisted those suggestions and did not explore those ideas further.

Professor Joan Meier makes the case for seeing intimate partner violence as a family law problem in her article, *Denial of Family Violence in Court: An Empirical Analysis and Path Forward for Family Law*.² Professor Meier's empirical work establishes how pervasive intimate partner violence is in family law matters and suggests that better protection of victims of violence and their children using the family law system could alleviate some of the harm they experience when lawyers, court evaluators, and judges fail to recognize violence or credit victims' stories. Moreover, Professor Meier argues that family law scholars should center domestic violence, particularly child abuse, in their work in order to overcome the "ongoing denial" about its prevalence.³ Meier concludes

¹ LEIGH GOODMARK, *DECRIMINALIZING DOMESTIC VIOLENCE: A BALANCED POLICY APPROACH TO INTIMATE PARTNER VIOLENCE* (2018).

² Joan S. Meier, *Denial of Family Violence in Court: An Empirical Analysis and Path Forward for Family Law*, 110 *GEO. L. J.* 835 (2022).

³ *Id.* at 877.

that scholars and practitioners of family law must reckon with family courts' failure to productively respond to allegations of intimate partner violence and child abuse in "three realms: judicial, policy, and academic."⁴

A secondary benefit of centering the family law response to intimate partner violence could be a corresponding deemphasis on the criminalization of intimate partner violence — a subject Professor Meier and I have discussed a number of times over the last few years. Elsewhere, I have argued that criminalization has been the United States' primary response to intimate partner violence for the last forty years, but that response has not been effective in decreasing or deterring violence and, in fact, exacerbates many of the correlates of intimate partner violence.⁵ Rather than channeling people who use violence through the criminal legal system, we might instead, building on Professor Meier's insights, fully fund and deploy family law's arsenal of tools, including protective orders, child custody, divorce, and the child protection system, to protect people from harm.

In this Article, however, I urge caution about seeing the family courts as separate from or as a replacement for the criminal legal system — because the family law system is not truly distinct from the criminal legal system. In fact, the family law system significantly overlaps with the criminal system and uses criminal mechanisms to punish those who violate family court orders or statutes governing family relations. Moreover, some parts of the family law system, like the child protection system, have themselves been called quasi-carceral.⁶ Interacting with those facets of the system can have negative consequences for survivors, particularly survivors of color, as Professor Tianna Gibbs has noted in this volume.⁷

Victims of violence will still need the family court system to reorder family relations, because the state is currently the only entity with the ability to end marriages and award legal custody of children. The family law system should, as Professor Meier argues, recognize how frequently family law cases involve violence and deal with those cases appropriately. But that system does not prevent intimate partner violence or address many of the correlates of violence, and in some instances, can have the same harmful effects as or invoke the power of the criminal legal system. I still conclude, therefore, that we must look beyond the law to get at the root causes of intimate partner violence.

⁴ *Id.* at 898.

⁵ See generally GOODMARK, *supra* note 1.

⁶ See MAYA SCHENWAR AND VICTORIA LAW, PRISON BY ANY OTHER NAME: THE HARMFUL CONSEQUENCES OF POPULAR REFORMS (2020).

⁷ Tiana Gibbs, *Centering Family Violence Is Racial Justice*, 30 VA. J. SOC. POL'Y & L. 43, 44 (2023).

I. THE FAMILY LAW SYSTEM IS NOT AN ALTERNATIVE TO THE CRIMINAL LEGAL SYSTEM

The family law system overlaps with and relies upon the criminal legal system. The most visible example of this overlap is found in family justice centers. Family justice centers house a variety of programs for people subjected to violence under one roof — essentially, one-stop shopping for services. What that means, however, is that advocates assisting survivors of intimate partner violence are often co-located with, and in some cases, employed by, law enforcement.⁸ The overlap operates in more subtle ways as well. In extreme cases of violence, for example, parents may choose to flee rather than expose themselves or their children to continued abuse, making them vulnerable to allegations of parental kidnapping.⁹ Parental kidnapping is actionable both in the family law system, through laws that penalize parents for withholding access to children by depriving those parents of custody or visitation, and in the criminal law system.¹⁰ Moreover, even when their actions in fleeing with or otherwise withholding their children from an abusive parent are not deemed “criminal,” parents can be held in civil contempt and incarcerated to compel their compliance with custody orders.¹¹

The family law system uses criminal charges and incarceration as enforcement mechanisms in other contexts as well. Although domestic violence protective orders are civil orders,¹² in every state, violation of a domestic violence protective order is a criminal offense¹³ potentially

⁸ Jane K. Stoeber, *Mirandizing Family Justice*, 39 HARV. J. L. & GENDER 189, 191-92 (2016).

⁹ See generally Courtney Cross, *Criminalizing Battered Mothers*, 2018 UTAH L. REV. 259 (2018); see also Barton Gellman, *Elizabeth Morgan Freed After 759 Days in Jail*, WASH. POST, (Sept. 26, 1989), <https://www.washingtonpost.com/archive/politics/1989/09/26/elizabeth-morgan-freed-after-759-days-in-jail/c898793c-90c0-4579-bb92-da0ab8aa5f45/>.

¹⁰ See, e.g., MD. CRIM. LAW § 3-503 (2021); MD. FAM. LAW §§ 9-304-9-305 (2021).

¹¹ Gellman, *supra* note 9.

¹² Domestic violence protective orders generally forbid people who have been found to have committed acts of abuse or who agree to their entry from abusing, threatening, or harassing the party who sought the order, require the person restrained to stay away from the other party, and can include a number of others provisions, including removing the person restrained from the home, arrangements for custody of and visitation with children, child support, and other economic restitution. Catherine Klein & Leslye Orloff, *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*, 21 HOFSTRA L. REV. 801, 811-1031 (1993).

¹³ Factsheet: The Violence Against Women Act, https://obamawhitehouse.archives.gov/sites/default/files/docs/vawa_factsheet.pdf (last visited Dec. 4, 2022). When the police or prosecutors fail to enforce an order, however, the victim’s

resulting in criminal prosecution, fines, and incarceration.¹⁴ The use of the criminal system in this way is intentional, a deliberate attempt to deter violations and bolster the efficacy of the order by backing it with the power of the criminal legal system.¹⁵ Indeed, scholars and practitioners have regularly argued that without such “teeth,” protective orders would be far less effective.¹⁶ And because significant numbers of protective orders are violated, the potential for criminal system intervention is substantial.¹⁷ Similarly, child support orders are enforced through incarceration — either via civil contempt, enabling payors to avoid prison if they can pay a purge amount, or using criminal failure to support statutes.¹⁸ Despite due process protections requiring that a court find that the obligor parent has the present ability to pay child support before ordering a period of incarceration,¹⁹ significant numbers of low-income and financially struggling parents are incarcerated in child support-related matters.²⁰

recourse is limited; victims of violence are not entitled to bring actions for damages under 42 U.S.C. §1983 for failure to enforce protective orders. *See also Castle Rock v. Gonzales*, 545 U.S. 748 (2005).

¹⁴ *See, e.g.*, MD. FAM. LAW § 4-508 (2021).

¹⁵ Emily Sack, *Domestic Violence Across State Lines: The Full Faith and Credit Clause, Congressional Power, and Interstate Enforcement of Protective Orders*, 98 NW. U.L. REV. 827, 837 (2004).

¹⁶ *See, e.g.*, Margaret Martin Barry, *Protective Order Enforcement: Another Pirouette*, 6 HASTINGS WOMEN’S L. J. 339, 362 (1995) (arguing that “without diligent enforcement, the protective order becomes yet another symbol of the cultural denigration of issues central to the health and security of women...without a system that ensures enforcement there will be little commitment to their integrity); Brenda Russell, *Effectiveness, Victim Safety, Characteristics, and Enforcement of Protective Orders*, 3 PARTNER ABUSE: NEW DIRECTIONS IN RESEARCH, INTERVENTION, AND POLICY 531, 541 (“In order for POs to be effective, law enforcement and the criminal justice system must respond to protect the victim.”).

¹⁷ Russell, *supra* note 16, at 541 (estimating that between forty and fifty percent of protective orders are violated but noting that violations are under-enforced by the criminal system).

¹⁸ *See, e.g.*, MD. FAM. LAW §10-102 (2021) (recognizing contempt as a remedy for failure to support a minor child); MD. FAM. LAW §10-203 (2021) (establishing that the failure to provide support for a minor child is a misdemeanor punishable by a fine of \$100 or term of imprisonment not to exceed 3 years or both).

¹⁹ *Turner v. Rogers*, 564 U.S. 431, 434 (2011).

²⁰ *See, e.g.*, Elizabeth Cozzolino, *Who Goes to Jail for Child Support Debt?* COUNCIL ON CONTEMP. FAMS. (2018), <https://sites.utexas.edu/contemporaryfamilies/2018/06/19/who-goes-to-jail-for-child-support-debt/> (last visited Dec. 29, 2022) (finding that 14% of fathers with child support debt — 1 in 7 — were incarcerated for that debt).

II. THE FAMILY LAW SYSTEM AS A QUASI-CARCERAL SYSTEM

Other parts of the family law system straddle the line between civil and criminal, leading some commentators to label them “quasi-carceral.” As journalists Maya Schenwar and Victoria Law write in *Prison By Any Other Name*, the child protection system functions “as a form of ‘kinder, gentler’ policing – subjecting poor and marginalized families to even more intensive surveillance and putting them at a greater risk of being separated.”²¹ The systems have become so indistinguishable that law professor Dorothy Roberts has argued that the child protection system should instead be called the family policing system.²²

Alleging child abuse and neglect in protective order, divorce, or custody proceedings, or reporting that children are present when an incident of domestic violence has occurred can lead to intervention by the family policing system. Non-abusive parents are cited for “failure to protect” for being assaulted in front of their children or otherwise “exposing” their children to domestic violence.²³ Despite a federal district court’s finding that removing children from their non-abusive parents in such situations is unconstitutional,²⁴ child protection agencies continue the practice.²⁵ When child protective services workers remove a child from the home, they are often accompanied by police.²⁶

Sharline Nicholson called police after her estranged boyfriend assaulted her, breaking her arm, fracturing her ribs, and causing a concussion. Ms. Nicholson told police where to find her former partner and arranged for her neighbor to take care of her children. But that evening, child protective services called New York City police and told them to remove the children. Police officers arrived at the neighbor’s apartment with guns drawn and took the children from the neighbor’s home to a shelter.²⁷

To be fair, Nicholson’s children were removed in 1999 but it does not appear that responses have improved since that time. Just after 1:00 a.m. on July 14, 2022, only one night after they took their child to the

²¹ SCHENWAR & LAW, *supra* note 6, at 116.

²² DOROTHY ROBERTS, *TORN APART: HOW THE CHILD WELFARE SYSTEM DESTROYS BLACK FAMILIES—AND HOW ABOLITION CAN BUILD A SAFER WORLD 2* (2022).

²³ Shanta Trivedi, *Mandating Support for Survivors*, 30 VA. J. SOC. POL’Y & L. 85, 91-92 (2023).

²⁴ See *Nicholson v. Williams*, 203 F. Supp.2d 153, 250-53 (E.D.N.Y. 2002).

²⁵ Elizabeth Brico, *State Laws Can Punish Parents Living in Abusive Households*, TALKPOVERTY (Oct. 25, 2019), <https://talkpoverty.org/2019/10/25/failure-protect-child-welfare/>.

²⁶ Donna Coker, *Crime Control and Feminist Law Reform in Domestic Violence Law: A Critical Review*, 4 BUFF. CRIM. L. REV. 801, 833 (2001).

²⁷ SARA B. BLOCK, *TOGETHER UNBROKEN: STORIES, LAW, PRACTICE, AND HEALING AT THE INTERSECTION OF DOMESTIC VIOLENCE AND CHILD WELFARE 176* (2022).

emergency room with a 103-degree fever, three Waltham, Massachusetts police officers pounded on the door of Josh Sabey and Sarah Perkins' home, demanding that they relinquish their children pursuant to a child protective services investigation.²⁸

Failure to protect is also punishable in the criminal system. Since 2009, for example, at least 139 women in Oklahoma have been incarcerated for failing to protect their children.²⁹ Nineteen percent of those found guilty in Oklahoma failure-to-protect prosecutions are Black, although Black people make up just eight percent of Oklahoma's total population.³⁰ Given the high rates of abuse experienced by incarcerated women, it is likely that many, if not most, of those incarcerated for failing to protect their children have experienced intimate partner violence.³¹ Kerry King, for example, was sentenced to thirty years in an Oklahoma prison for failing to protect her daughter from her boyfriend, John Purdy.³² Purdy physically abused King and forced her to use drugs with him. When King found Purdy abusing her daughter, King tried to shield the child with her body. Purdy slammed King's head against a wall, hit her with a belt as she covered her child, and locked her in a room away from her daughter. Purdy was arrested the next day; King was arrested within the week, with police questioning why she hadn't called for help. Purdy was sentenced to eighteen years in prison. King was sentenced to thirty.³³ It is also possible for a failure-to-protect case to begin in the child protection system and then result in criminal charges or for the two cases to proceed simultaneously, concluding in both criminal punishment and the "death penalty" of the civil family system: termination of parental rights.³⁴

²⁸ Caitlin Gibson, *They Brought Their Sick Baby to the Hospital. Three Days Later, the State Took Their Kids Away*, WASH. POST (Dec. 7, 2022), <https://www.washingtonpost.com/lifestyle/2022/12/07/josh-sabey-sarah-perkins-abuse-investigation/>.

²⁹ Ryan Little, *An Obscure Law is Sending Oklahoma Mothers to Prison in Droves. We Reviewed 1.5 Million Cases to Learn More*, MOTHER JONES (Aug. 9, 2022), <https://www.motherjones.com/mojo-wire/2022/08/failure-to-protect-data-oklahoma/>.

³⁰ Samantha Michaels, *She Never Hurt Her Kids. So Why Is a Mother Serving More Time Than the Man Who Abused Her Daughter*, MOTHER JONES (Aug. 9, 2022), <https://www.motherjones.com/crime-justice/2022/08/failure-to-protect-domestic-abuse-child-oklahoma-women-inequality-prison/>.

³¹ LEIGH GOODMARK, *IMPERFECT VICTIMS: CRIMINALIZED SURVIVORS AND THE PROMISE OF ABOLITION FEMINISM* (2023).

³² Michaels, *supra* note 30.

³³ *Id.*

³⁴ *Drury v. Lang*, 776 P.2d 843, 845 (Nev. 1989).

III. THE FAMILY LAW SYSTEM DOES NOT PREVENT VIOLENCE. WHAT COULD?

A third reason to be cautious about overreliance on the family law system as the primary response to intimate partner violence is the family law system's inability to prevent violence. Like the criminal legal system, the family law system is reactive, intervening only after an incident of abuse has occurred (e.g., family policing system, protective orders) or when violence has become so severe or pervasive that the relationship between the parties needs to be reconfigured (divorce, custody, termination of parental rights). Even when family law intervenes in response to the correlates of future intimate partner violence — for example, child abuse or neglect or child witnessing of adult domestic violence — it does so after that damage has already been inflicted.

The impact of the family law system, therefore, is necessarily limited. Relying on it in lieu of the criminal legal system recreates some of the harms of that system and ignores the structural racism embedded within both systems. While we should heed Professor Meier's calls to improve the family courts' response to violence, we should not also assume that improving the civil legal response solves the larger problem of eradicating violence. Instead, anti-violence advocates should focus our efforts outside of the legal system.

Preventing adverse childhood experiences (ACEs) could have an enormous impact on rates of intimate partner violence. ACEs are “traumatic events that occur before a child reaches the age of eighteen,”³⁵ including child abuse and neglect, exposure to parental substance abuse, parental incarceration, and exposure to intimate partner violence. Witnessing intimate partner violence, being physically abused or maltreated, and having been harshly disciplined all predict perpetration of intimate partner violence.³⁶ Being physically or sexually abused or exposed to intimate partner violence as a child increases the risk of victimization.³⁷ In Kaiser Permanente's groundbreaking ACEs study, researchers found that a child's own victimization or exposure to a mother's abuse doubled the risk of perpetration or victimization. The greater the number of adverse experiences a child has, the greater the risk: the study found that exposure to four or more ACEs increased the risk of committing intimate partner

³⁵ See generally, *Adverse Childhood Experiences (ACEs)*, CHILD WELFARE INFORMATION GATEWAY, <https://www.childwelfare.gov/topics/preventing/overview/framework/aces/#:~:text=What%20Are%20ACEs%3F,%2C%20incarceration%2C%20and%20domestic%20violence> (last visited Dec. 9, 2022).

³⁶ *Id.*

³⁷ Robert F. Anda et al., *Violent Childhood Experiences and the Risk of Intimate Partner Violence in Adults*, 18 J. INTERPERSONAL VIOLENCE 166, 178 (2003).

violence by five times.³⁸ While not all children who experience violence go on to perpetrate, most people who use violence have experienced some form of childhood trauma.

Intervening with parents when children are quite young could prevent this intergenerational transmission of violence. Having a new baby can create conflict, stress, and jealousy within families. Nurse-family partnership programs and other forms of home visitation — both staffed by professionals and peer-to-peer programs — for new parents have been linked to decreases in intimate partner violence.³⁹ Similarly, fatherhood programs, particularly those that target fathers with a history of intimate partner violence, can decrease violence in the home.⁴⁰

Shoring up a family's economic security can also pay dividends in decreased violence. Intimate partner violence is more prevalent among low-income women; the lower a woman's income is, the more likely she is to experience violence.⁴¹ Indeed, "household income level is one of the most, if not *the* most, significant correlates of partner violence."⁴² Intimate partner violence is associated with indicators of material deprivation, including food insufficiency, lack of stable housing, and utility disconnection, and is more prevalent among couples reporting economic stress.⁴³ Intimate partner violence is also more prevalent and more serious among couples who live in low-income neighborhoods.⁴⁴ It stands to reason, then,

³⁸ *Id.* at 181.

³⁹ Megan H. Bair-Merritt et al., *Reducing Maternal Intimate Partner Violence after the Birth of a Child: A Randomized Controlled Trial of the Hawaii Healthy Start Home Visitation Program*, 164 ARCHIVES OF PEDIATRICS AND ADOLESCENT MEDICINE (2010). See also Claire Crooks, *The Science of Prevention/Interrupting the Cycle of Violence*, in PREVENTING VIOLENCE AGAINST WOMEN & CHILDREN: WORKSHOP SUMMARY 93 (2011); Ann Duggan et al., *Randomized Trial of a Statewide Home Visiting Program to Prevent Child Abuse: Impact in Reducing Parental Risk Factors*, 28 CHILD ABUSE & NEGLECT 623, 631 (2004); Angela J. Taft et al., *Mothers' Advocates in the Community (MOSAIC)—Non-Professional Mentor Support to Reduce Intimate Partner Violence and Depression in Mothers: A Cluster Randomized Trial in Primary Care*, 11 BMC PUB. HEALTH 178 (2011).

⁴⁰ Carla Smith Stover, *Fathers for Change: A New Approach to Working with Fathers Who Perpetrate Intimate Partner Violence*, 41 J. AM. ACAD. PSYCHIATRY & L. 65 (2013).

⁴¹ Cynthia K. Sanders, *Economic Abuse in the Lives of Women Abused by an Intimate Partner: A Qualitative Study*, 21 VIOLENCE AGAINST WOMEN 3, 4 (2015).

⁴² Lisa A. Goodman et al., *When Crises Collide: How Intimate Partner Violence and Poverty Intersect to Shape Women's Mental Health and Coping*, 10 TRAUMA VIOLENCE & ABUSE 306, 308 (2009).

⁴³ MICHAEL L. BENSON & GREER LITTON FOX, ECONOMIC DISTRESS, COMMUNITY CONTEXT, AND INTIMATE VIOLENCE: AN APPLICATION AND EXTENSION OF SOCIAL DISORGANIZATION THEORY, FINAL REPORT 53 (2002).

⁴⁴ *Id.*

that increasing women's economic security is an anti-violence strategy. Putting material resources directly into women's hands is one solution to this problem. Guided by research showing that "73% of survivors identified cash to spend as they saw fit as their top need,"⁴⁵ FreeFrom has so far provided survivors with \$1.3 million unrestricted cash grants that enabled survivors to meet basic needs.⁴⁶

Masculinity, work, and violence are deeply connected. As one woman explained, "I think he felt inferior and wanted to beat the hell out of me because of the way he felt about himself because he wasn't doing what he was supposed to be doing. He wasn't pulling his weight."⁴⁷ Men's poor work history predicts intimate partner violence. Men who are unemployed are more likely to abuse their partners, and the longer they remain unemployed, the higher the rates of violence.⁴⁸ Male unemployment is the "most important demographic risk factor" for intimate partner violence.⁴⁹ Rather than revoking their drivers' or professional licenses or incarcerating men for failing to pay child support, all of which make it exponentially more difficult for them to find work, policymakers should be focused on creating living wage jobs and ensuring that people are qualified for those jobs. Further increasing the minimum wage, creating job training programs, and supporting policies that foster job security, including unionization, can all be part of that effort as well.

CONCLUSION

The family court system should play an essential role in ensuring safety for people subjected to intimate partner violence and their children. But as Professor Meier's work demonstrates, too often that system is failing to provide the protection that people need. The same problems that plague the criminal legal system — the constraints and challenges created by an adversarial system of adjudication,⁵⁰ the unwillingness of judges

⁴⁵ FREEFROM, *BEFORE AND BEYOND CRISIS: WHAT EACH OF US CAN DO TO CREATE A LONG-TERM ECOSYSTEM OF SUPPORT FOR ALL SURVIVORS* 35 (Aug. 2022).

⁴⁶ FreeFrom, *Our Work*, <https://www.freefrom.org/our-work/> (last visited Dec. 10, 2022).

⁴⁷ CYNTHIA K. SANDERS, *DOMESTIC VIOLENCE, ECONOMIC ABUSE, AND THE IMPLICATIONS OF A PROGRAM FOR BUILDING ECONOMIC RESOURCES FOR LOW-INCOME WOMEN* 35 (2007).

⁴⁸ MICHAEL L. BENSON & GREER LITTON FOX, *WHEN VIOLENCE HITS HOME: HOW ECONOMICS AND NEIGHBORHOOD PLAY A ROLE* 2 (2004).

⁴⁹ Jacquelyn C. Campbell et al., *Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study*, 93 AM. J. PUB. HEALTH 1089, 1092 (2003).

⁵⁰ *See, e.g.*, JANE C. MURPHY & JANA B. SINGER, *DIVORCED FROM REALITY: RETHINKING FAMILY DISPUTE RESOLUTION* (2015).

and others to find victims of violence credible,⁵¹ the high costs, both financial and emotional, of going to court⁵², and the racism embedded within that system⁵³ — are evident in the family court system as well. For the well-being of children and parents subjected to abuse, we must repair that which can be repaired in the family court system, while understanding that our ability to do so may be limited unless we are willing to consider an entirely different type of adjudication altogether.⁵⁴ But we should also accept that even if it were functioning optimally, the family court system cannot replace the criminal legal system, given the many places and ways that those bodies overlap. No legal system — a system that is fundamentally reactionary — can do the work required to root out the causes of violence.

⁵¹ See, e.g., Deborah Epstein & Lisa A. Goodman, *Doubting Domestic Violence Survivors' Credibility and Dismissing Their Experiences*, 167 U. PA. L. REV. 399 (2019).

⁵² See, e.g., Alesha Durfee, “Usually It’s Something in the Writing”: *Reconsidering the Narrative Requirement for Protection Order Petitions*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 469, 471 (2015); Negar Katirai, *Retraumatized in Court*, 62 ARIZ. L. REV. 81 (2020).

⁵³ See, e.g., Gibbs, *supra* note 7.

⁵⁴ See, e.g., Clare Huntington, *FAILURE TO FLOURISH: HOW LAW UNDERMINES FAMILY RELATIONSHIPS* (2014); MURPHY & SINGER, *supra* note 50; MERLE H. WEINER, *A PARENT-PARTNER STATUS FOR AMERICAN FAMILY LAW* (2015).